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BEFORE THE
Federal Communications Commission
WASHINGTON, D. C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
CREATION OF A LOW POWER) MM Docket No. 99-25
RADIO SERVICE)
) RM-9208
) RM-9242

TO: The Commission

**COMMENTS OF
MIDWESTERN BROADCASTING COMPANY**

Midwestern Broadcasting Company (MBC), parent corporation of licensees of nine commercial broadcast stations in northern lower Michigan¹, hereby respectfully submits its Comments in the above-captioned proceeding. MBC, whose family-owned predecessors have been a licensee of the Commission since 1941, strongly opposes the establishment of a Low Power FM Service, because such a service would undermine what is now the best system of local

¹MBC owns 100% of the stock of the following subsidiaries who hold FCC licenses: WTCM Radio, Inc., licensee of Standard Broadcast Station WTCM and FM Broadcast Station WTCM-FM, Traverse City, Michigan; WCCW Radio, Inc., licensee of Standard Broadcast Station WCCW and FM Broadcast Station WCCW-FM, Traverse City, Michigan; WKJF Radio, Inc., licensee of Standard Broadcast Station WKJF and FM Broadcast Station WKJF-FM, Cadillac, Michigan; WATZ Radio, Inc., licensee of Standard Broadcast Station WATZ and FM Broadcast Station WATZ-FM, Alpena, Michigan; and WBCM Radio, Inc., licensee of FM Broadcast Station WBCM, Boyne City, Michigan. WTCM(AM) was founded in 1941 by the late Lester M. Biederman in 1941 as the first broadcast station in northern lower Michigan; Mr. Biederman established MBC as well.

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broadcasting in the world. The reasons for MBC's strong opposition are as follows:

1. Low power FM Will Cause Interference to Existing Stations. In order to establish a low power service, the FCC would have to drastically alter its existing interference protection standards. The interference protection standards are in place to maintain the integrity of the spectrum. Elimination and/or alteration to the standards will result in increased interference to existing broadcaster's signals - and a loss of service to listeners.

2. Low Power FM Will Harm the Development of In-Band, On-Channel ("IBOC") Digital Radio. The proponents of IBOC digital radio have been developing their systems based on the current interference protection standards. The systems utilize the "sidebands" of the analog signal to transmit the digital signal without the need for additional spectrum. Any alteration to the second-adjacent channel spacing restrictions could harm radio broadcasters in their transition to digital.

3. Low Power FM proposal Will Not Achieve What the Commission Wants. Even if the Commission eliminates second and third adjacent channel protections, very few stations would be available in the urban markets. Serving

urban communities and neighborhoods is a stated goal of the Commission in establishing this service. Clearly, it is folly to spend the resources to establish an entirely new service that ultimately is unable to serve the listeners for which it was intended. The Commission claims that it received over 13,000 requests for a low power station last year. Unfortunately, under this proposal - or any proposal - there will never be enough spectrum for even those persons to have their own station. Furthermore, most of the "Low Power FM Stations" will end up in small, rural communities. Most, if not all, of these stations, will not be financially viable so as to allow for a continuous, reliable source for information such as weather and school closings. MBC stations serve small cities and large rural areas in the upper Midwest, which is prone to severe and catastrophic weather conditions such as tornadoes, wind storms, floods, ice storms and blizzards. MBC's experience is that its listeners who reside in tiny towns, remote farms and the north woods of Michigan depend on high power FM stations who have the resources and the motivation to provide dependable and immediate information as to unusual weather conditions and community information such as school closings. Low Power FM Stations will create an "island of

service in a sea of interference", and will cause great interference to established stations that large rural populations depend upon for news and information.

4. Low Power FM Will not Create Viable Stations to Increase Minority and Female Ownership. Even if it is determined that a station is available in a particular area, there is no guarantee that minority and female owners will want and or actually receive a license - whether they are allocated on a first-come, first-serve basis or through an auction process. Furthermore, the economic viability of low power stations is questionable.

5. "Those who don't know history are doomed to repeat it." In the 1980's, the Commission began a proceeding that ultimately ended in the revision of its rules that allowed thousands of new stations on the air. The result of the infamous "Docket 80-90" was that there were too many stations in the marketplace. The Commission subsequently loosened radio ownership restrictions in order to bolster the industry. A culmination of this was the lifting of the national radio ownership restrictions and further loosening of the local restrictions in the Telecommunications Act of 1996. Docket 80-90 was the direct cause of consolidation. The Commission should not travel down this path again.

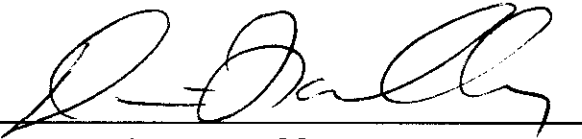
6. Low Power FM will be an administrative nightmare for the FCC. The Commission has limited resources. The Notice proposes to provide assistance to LPFM applicants - assistance unlike any ever provided to full-power applicants. Additionally, there is the increased regulatory and enforcement burden - not only for the newly licensed LPFM stations, but also for all of the unlicensed 'pirate' radio stations that refuse or are unable to obtain licenses and continue to broadcast. The Commission is proposing to place amateur stations in the middle of a mature service.

7. Low Power FM proposals for 1 - 10 Watt Stations Are an Inefficient Use of the Spectrum. The Commission altered its rules in 1978 to prohibit further licensing of 10-watt "Class D" noncommercial educational stations because it determined the spectrum could be used more efficiently by larger stations that can reach more people. This premise remains true today.

WHEREFORE, Midwestern Broadcasting Company urges that the Commission **TERMINATE** the instant proceeding and that it **DECLINE** to establish a Low Power FM service.

Respectfully submitted,

MIDWESTERN BROADCASTING
COMPANY

By 

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